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Otso Auterinen

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EXAMINER

ELPENORD, CANDAL

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/519,092	<b>Applicant(s)</b> AUTERINEN, OTSO	
	<b>Examiner</b> CANDAL ELPENORD	<b>Art Unit</b> 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4,10,11,14,15,17,20,21,23 and 26-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,10,11,14,15,17,20,21,23 and 26-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on March 10, 2009 have been fully considered but they are not persuasive.
2. Claims 20-21, 35-36, 42-44 have been amended. The Status of claims 1, 4, 10-11, 14-15, 17, 20-21, 23, 26-44 remains pending.
3. Regarding the new matter rejection made in the previous office, the Applicant alleged that "computer readable medium" is fully disclosed in the original filed application.

In response, the Examiner respectfully disagrees because there is no where in the specification does the Applicant describe "software" as a "computer readable medium" nor does the Applicant contemplate using the computer readable medium to the implement the claimed invention.

In view of the reasons, the Examiner maintains the same position as it relates to the U.S.C. 112 1st new matter rejection.

**Note:** The Applicant alleged that the anticipatory rejection of claims 31-32 and 34 in view of Oyama '545 is improper.

In response, the Examiner respectfully disagrees because the rejection of dependent claims 31-32 was based upon independent claim 44. The dependency of claims 31-32 and 34 has now been changed to claim 17. In that scenario the rejection

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was proper. As result, this office action can made final on the basis of that previous scenario.

**Prior Arts Response:** The Applicant alleged that Kari '739 fail to teach or suggest the following claimed features: Regarding claims 1, 17, 20-21 and 23, “a resource node, a managing node, wherein the resource node and the managing node are configured so that the negotiation information determined by the at least one resource node is passed between the resource node and the managing node, wherein the negotiation information comprises cost”, “a resource source node that negotiates cost information with a managing node”.

In response, the Examiner respectfully disagrees because Kari '739 does in fact disclose the Applicant claimed invention. In particular, Kari '739 teaches passing negotiation (i.e. exchange of information) and cost information (i.e. billing, charging information) between the SGSN node, GGSN node and billing GGSN node, page 9, line 8-35. Further, the Applicant equates the managing node as "GGSN node" which Kari '739 substantially teaches.

The Applicant further alleged that Kari '739 fails to teach or suggest detecting of a flow the communicating the flow to a QoS apparatus that selects traffic class fro each flow based on the QoS needs.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. a flow the communicating the flow to a QoS apparatus that selects traffic class fro

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each flow based on the QoS needs) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In view of the above reasons, the Examiner maintains the same position as it relates to the anticipatory rejection of claims 1, 4, 10-11, 14, 17, 21, 23, 26-29, 33, 35-37, 39, 41.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. **Claims 23, 43** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

**Regarding claims 23, 43**, the limitation “a computer program embodied on a computer readable medium” recited in line 1-2 is not described in the original filed application, thus “new matter”.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1, 4, 10-11, 14, 17, 20-21, 23, 26-29, 33, 35-37, 39, 41** are rejected under 35 U.S.C. 102(b) as being anticipated by Kari et al (WO 97/26739).

**Regarding claim 1**, Kari '739 discloses a system (fig. 1, see packet radio system for generating billing, page 3, line 10-25, page 5 to page 7, line 9), comprising: user equipment (fig. 1, see Mobile Station communicatively coupled to the base station transceiver); a resource node (fig. 1, see Base Station Transceiver in combination with SGSN node coupled to the base station controller and the mobile station (i.e. user equipment) with means for controlling packet data service, page 6, line 2-20) configured to manage resource for communication with said user equipment (fig. 1, see Mobile Station communicatively coupled to the base station transceiver, page 6, line 10-20); and a managing node configured to manage traffic flow (fig. 1, see GGSN gateway node for routing mobile data packets, page 7, line 33 to page 8, line 5), wherein said resource node and said managing node are configured so that negotiation information

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(noted: exchanged of information during connection set up/call set up between the support nodes and the billing center, page 9, line 9 to page 10, line 19) the where the information comprises of charging determined by the at least one resource node is passed between the resource node and the managing node (noted: the SGSN and the GGSN RPRS nodes collect information with respect to charging/billing, data usage, page 8, line 6-17, page 9, line 9 to page 10, line 19-SGSN node sending charging information to the billing BGGSN), said managing node selecting a parameter for a new traffic flow based on said negotiation information (noted: determined traffic fees based on the data amount of the traffic flow, service type, page 8, line 6-22), wherein said negotiation information comprises cost (noted: data packet with charging information, service type, data amount, page 9, line 8-35).

**Regarding claim 4**, Kari '739 discloses a system (fig. 1, see packet radio system for generating billing, page, 3, line 10-25, page 5 to page 7, line 9), wherein said negotiation information further comprises at least one of type of traffics, and the bit rate of the traffic (noted: charging based on the data amount, service type, service quality, page 8, line 6-20).

**Regarding claim 10**, Kari '739 discloses a system (fig. 1, see packet radio system for generating billing, page, 3, line 10-25, page 5 to page 7, line 9), wherein said managing node is located at an edge of a network (fig. 1, see GGSN gateway node situated at the edge of the network).

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**Regarding claim 11**, Kari '739 discloses a system (fig. 1, see packet radio system for generating billing, page, 3, line 10-25, page 5 to page 7, line 9), wherein said managing node comprises a gateway general packet radio service support node (fig. 1, see GGSN gateway node for routing mobile data packets, page 7, line 33 to page 8, line 5).

**Regarding claim 14**, Kari '739 discloses a system (fig. 1, see packet radio system for generating billing, page, 3, line 10-25, page 5 to page 7, line 9), wherein the managing node further provides detecting a new flow and wherein communication between the managing node and resource node (noted: exchanged of information during connection set up between the support nodes and the billing center, page 9, line 9 to page 10, line 19) is via a general packet radio service tunneling protocol (noted: see communication and charging based on communication protocol between the support nodes, elements in the GPRS, page 9, line 4 to page 10, line 2).

**Regarding claim 17**, Kari '739 discloses a method (noted: method for generate charging in data packet service network, page 3, line 10-35), comprising: determining negotiation information (noted: determined traffic fees based on the data amount of the traffic flow, service type, page 8, line 6-22) at a resource node (noted: exchange of information during connection set up/call set up between the support nodes and the billing center, page 9, line 9 to page 10, line 19), the negotiation information comprising cost (noted: data packet with charging information, service type, data amount, page 9,



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line 8-35); and passing the determined negotiation information between the resource node and a managing node (noted: the SGSN and the GGSN GPRS nodes collect information with respect to charging/billing, data usage, page 8, line 6-17, page 9, line 9 to page 10, line 19-SGSN node sending charging information to the billing BGGSN).

**Regarding claim 20**, Kari '739 discloses an apparatus (fig. 1, see packet radio system with combined network elements of SGSG, GGSN, BSGGSN for generating billing, page, 3, line 10-25, page 5 to page 7, line 9), comprising: a traffic flow manager configured to manage a traffic flow (fig. 1, see Base Station Transceiver in combination with SGSN, GGSN nodes coupled to the base station controller and the mobile station (i.e. user equipment) with means for controlling packet data service, page 6, line 2-20) configured to manage resource for communication with said user equipment (fig. 1, see Mobile Station communicatively coupled to the base station transceiver, page 6, line 10-20); an information receiver (fig. 1, BSGGSN node) configured to receive negotiation information (noted: the SGSN and the GGSN GPRS nodes collect information with respect to charging/billing, data usage, page 8, line 6-17, page 9, line 9 to page 10, line 19-SGSN node sending charging information to the billing BGGSN) from a resource node (fig. 1, see the billing gateway support receiving billing information collected by the SGSN and GGSN nodes respectively, page 4, line 3-20) the negotiation information comprising cost (noted: data packet with charging information, service type, data amount, page 9, line 8-35); and a selector configured to select at least one parameter for a new traffic flow based on said negotiation information (noted: determined traffic

fees based on the data amount of the traffic flow, service type, page 8, line 6-22).

**Regarding claim 21**, Kari '739 discloses an apparatus (fig. 1, see packet radio system with combined network elements of SGSG, GGSN, BSGGSN for generating billing, page, 3, line 10-25, page 5 to page 7, line 9), comprising: a resource manager (fig. 1, see Base Station Transceiver in combination with SGSN node coupled to the base station controller and the mobile station (i.e. user equipment) with means for controlling packet data service, page 6, line 2-20) configured to communicate with user equipment (fig. 1, see Mobile Station communicatively coupled to the base station transceiver, page 6, line 10-20); and an information determiner configured to determine negotiation information (noted: the SGSN and the GGSN RPRS nodes collect information with respect to charging/billing, data usage, page 8, line 6-17, page 9, line 9 to page 10, line 19-SGSN node sending charging information to the billing BGGSN); the negotiation information comprising cost (noted: data packet with charging information, service type, data amount, page 9, line 8-35); information passer configured to pass said negotiation information to a managing node (noted: the SGSN and the GGSN GPRS nodes collect information with respect to charging/billing, data usage, page 8, line 6-17, page 9, line 9 to page 10, line 19-SGSN node sending charging information to the billing BGGSN).

**Regarding claim 23**, Kari '739 discloses a computer program embodied on a computer readable medium (fig. 1, the gateway node used for storing information of

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GPRS mobile stations that used for charging the user during roaming, page 7, line 33 to page 8, line 26), said computer program configured to control a processor to perform (fig. 1, see Base Station Transceiver in combination with SGSN node coupled to the base station controller and the mobile station (i.e. user equipment) with means for controlling packet data service, page 6, line 2-20): determining negotiation information (noted: determined traffic fees based on the data amount of the traffic flow, service type, page 8, line 6-22) at a resource node (fig. 1, SGSN node, noted: exchange of information during connection set up/call set up between the support nodes and the billing center, page 9, line 9 to page 10, line 19), the negotiation information comprising cost (noted: data packet with charging information, service type, data amount, page 9, line 8-35); and passing the determined negotiation information between the resource node and a managing node (noted: the SGSN and the GGSN GPRS nodes collect information with respect to charging/billing, data usage, page 8, line 6-17, page 9, line 9 to page 10, line 19-SGSN node sending charging information to the billing BGGSN).

**Regarding claim 26**, Kari '739 discloses an apparatus (fig. 1, see packet radio system with combined network elements of SGSG, GGSN, BSGGSN for generating billing, page, 3, line 10-25, page 5 to page 7, line 9), wherein said parameter is at least one of the following, traffic handling class, cost (noted: charging based on the data amount, service type, service quality, page 8, line 6-20).

**Regarding claim 27**, Kari '739 discloses an apparatus (fig. 1, see packet radio system with combined network elements of SGSG, GGSN, BSGGSN for generating billing, page, 3, line 10-25, page 5 to page 7, line 9), wherein the apparatus comprises

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an access node (fig. 1, see Base station transceiver) which is configured to communicate with user equipment (fig. 1, see the mobile station communicative coupled to the base station transceiver).

**Regarding claim 28**, Kari '739 discloses an apparatus (fig. 1, see packet radio system with combined network elements of SGSG, GGSN, BSGGSN for generating billing, page, 3, line 10-25, page 5 to page 7, line 9), wherein the access node is a base station (fig. 1, see BTS providing packet data services to the mobile station based on charging per usage at the interface).

**Regarding claim 29**, Kari '739 discloses an apparatus (fig. 1, see packet radio system with combined network elements of SGSG, GGSN, BSGGSN for generating billing, page, 3, line 10-25, page 5 to page 7, line 9), wherein said node apparatus is comprised in an access node (fig. 1, see the combination of the base station transceiver, base station controller, switching center)..

**Regarding claim 33**, Kari '739 discloses a method, wherein said negotiation information is determined for a plurality of different traffic handling classes (noted: charging based on the data amount, service type, service quality, page 8, line 6-20).

**Regarding claim 35**, Kari '739 discloses a method, wherein said apparatus (fig. 1, see packet radio system with combined network elements of SGSG, GGSN, BSGGSN for generating billing, page, 3, line 10-25, page 5 to page 7, line 9) is

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comprised in a managing node located at an edge of a network (fig. 1, see GGSN gateway node situated at the edge of the network).

**Regarding claim 36,** Kari '739 discloses a method, wherein said apparatus (fig. 1, see packet radio system with combined network elements of SGSG, GGSN, BSGGSN for generating billing, page, 3, line 10-25, page 5 to page 7, line 9) is comprised in a managing node comprising a gateway general packet radio service support node (fig. 1, see GGSN gateway node situated at the edge of the network).

**Regarding claim 37,** Kari '739 discloses a method, wherein said resource node is an access node (fig. 1, Base Station Transceiver in combination the billing BGGSN node for determining the charge based on the usage of the radio interface, abstract, line 1-8, page13, line 26-31, page 10).

**Regarding claim 39,** Kari '739 discloses a method, wherein the managing node further provides detecting a new flow (noted: determined traffic fees based on the data amount of the traffic flow, service type, page 8, line 6-22).

**Regarding claim 41,** Kari '739 discloses a method, wherein communication (noted: exchanged of information during connection set up between the support nodes and the billing center, page 9, line 9 to page 10, line 19) between the managing node and resource node is via a general packet radio service tunneling protocol (noted: see communication and charging based on communication protocol between the support nodes, elements in the GPRS, page 9, line 4 to page 10, line 2).

8. **Claim 15, 30, 38, 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kari et al (US WO 97/26739) in view of Arunachalam et al (US 6,631,122 B1).

Kari '739 discloses the system with resource node as discussed in above with the exception of being silent with respect to claimed features: **Regarding claims 15, 30, 40**, wherein the resource node further provides balancing a load between available resources.

**Regarding claim 38**, a method, wherein the managing node further provides guiding an actual flow rate to a target flow rate.

However, Arunachalam '122 from the same field discloses the above claimed features:

**Regarding claim 15**, wherein the resource node (fig. 3, QoS Agent 301, "QoS Agent guiding the Radio Resource Manager in allocating radio channels", recited in col. 4, line 67 - col. 5, line 16, "the resource manager determines the set of resources to be provided", recited in col. 9, line 30-35) ) further provides balancing a load between available resources (see, the QoS agent providing load balancing, col. 4, line 23-33).

In view of the above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching features of Kari '739 by using the teaching features of Arunachalam '122 in order to provide load balancing of flow based on QoS as suggested in col. 4, line 37-47 for motivation.

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Regarding claims 30, 40 , please see the Examiner comments with respect to claim 15 as discussed above.

**Regarding claim 38**, a method, wherein the managing node further provides guiding an actual flow rate to a target flow rate ("mapping of a packet of new flow to the class of services (COS)", recited in col. 7, line 60 - col. 8, line 6, "various classes of wireless services with specified QoS requirements", recited in col. 5, line 26-29).

In view of the above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching features of Kari '739 by using the teaching features of Arunachalam '122 in order to provide load balancing of flow based on QoS as suggested in col. 4, line 37-47 for motivation.

9. **Claims 31-32, 34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kari et al (US WO 97/26739) in view of Oyama et al (US 2002/0068545 A1).

Kari '739 discloses the system with resource node as discussed in above with the exception of being silent with respect to claimed features:

**Regarding claim 31**, a method, further comprising negotiating in order to select the at least one parameter.

**Regarding claim 32**, a method, wherein said negotiation information further comprises at least one of type of traffic and bit rate of the traffic.

**Regarding claim 34**, a method, wherein said parameter is at least one of the following, traffic handling class, cost, and target bit rate.

However, Oyama '545 from the same field of endeavor discloses the above claimed features:

**Regarding claim 31**, Oyama '545 discloses a method (see, mechanism of correlating charging for a multimedia session, paragraph 0070), further comprising negotiating in order to select the at least one parameter (noted: charging information based on volume of packets sent, quality of service parameters, paragraphs 0116, 0130).

**Regarding claim 32**, Oyama '545 discloses a method, wherein the negotiation information (noted: negotiated QoS profiles between the nodes (i.e. SGSG, GGSN nodes), paragraph 0046, 0049, noted: agreement between the network elements such as GGSG, SGSG, and the mobile terminal with respect to charging, paragraph 0135) further comprises at least one of type of traffic (see, plurality of traffic handling classes such as delay sensitive, background class, delay insensitive, paragraphs 0042), cost (noted: charging based on flow, paragraphs 0045, 0068-0069) and bit rate of the traffic (charging per unit of data, paragraph 0067, see the number of packets sent, paragraph 0116).

**Regarding claim 34**, Oyama '545 discloses a method (see, mechanism of correlating charging for a multimedia session, paragraph 0070), wherein said parameter is at least one of the following, traffic handling class (see, plurality of traffic handling classes such as delay sensitive, background class, delay insensitive, paragraphs 0042), cost (noted: charging based on flow, paragraphs 0045, 0068-0069), and target bit rate (charging per unit of data, paragraph 0067, see the number of packets sent, paragraph



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0116).

In view of the above, it would have been obvious to one of ordinary skill in the art at the time then invention was made to modify the teaching features of Kari '739 by using teaching features as taught by Oyama '545 in order to provide charging coordination for multimedia session based on respective traffic classes as suggested in paragraph 0116.

10. **Claims 42-44** are rejected under 35 U.S.C. 103(a) as being unpatentable over Oyama et al (US 2002/0068545 A1) in view of Anderson et al (US 6,434,380 B1).

**Regarding claim 42**, Oyama '545 discloses a method (see, mechanism of correlating charging for a multimedia session, paragraph 0070) comprising: managing a traffic flow (see resource manager in combination with base station manager (i.e. for IP service) for distributing resources (i.e. controlling or managing) for individual service, paragraph 0039); receiving negotiation information (noted: receiving of charging information, paragraph 0134) from a resource node (noted: negotiated QoS profiles between the nodes (i.e. SGSG, GGSN nodes), paragraph 0046, 0049, noted: agreement between the network elements such as GGSG, SGSG, and the mobile terminal with respect to charging, paragraph 0135) wherein the negotiation information comprises cost (noted: charging information related to multimedia services, paragraphs 0071); and selecting at least two parameter for a new traffic flow (noted: initiation of multimedia flow by the mobile station, paragraphs 0114, 0116) based on said

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negotiation information (noted: the volume of packets sent, quality of service parameters based on charging information, paragraphs 0116, 0130).

**Regarding claim 43**, Oyama '545 discloses a computer program embodied on a computer readable medium (noted: software embedded within hardware circuit for implanting the method for generating charges for multimedia sessions, paragraphs 0110, see, mechanism of correlating charging for a multimedia session, paragraph 0070), said computer program (noted: software embedded within hardware circuit for implanting the method for generating charges for multimedia sessions, paragraphs 0110) configured to control a processor (see, programmed digital microprocessor, paragraph 0110) to perform: managing a traffic flow (see resource manager in combination with base station manager (i.e. for IP service) for distributing resources (i.e. controlling or managing) for individual service, paragraph 0039); receiving negotiation information (noted: receiving of charging information with respect to multimedia session setup, call set up, paragraph 0134) from a resource node (noted: negotiated QoS profiles between the nodes (i.e. SGSN, GGSN nodes, mobile station) in order to establish connection/multimedia session set up, paragraph 0046, 0049, noted: agreement between the network elements such as GGSN, SGSN, and the mobile terminal with respect to charging, paragraph 0135), wherein the negotiation information comprises cost (noted: charging information related to multimedia services, paragraphs 0071); and selecting at least two parameter for a new traffic flow (noted: initiation of multimedia flow by the mobile station, paragraphs 0114, 0116) based on said negotiation information (noted: the volume of packets sent, quality of service

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parameters based on charging information, paragraphs 0116, 0130).

**Regarding claim 44**, Oyama '545 discloses an apparatus (fig. 6, see GPRS network with set of network elements (i.e. GGSN, SGSN nodes), paragraphs 0022), comprising: managing means (noted: QoS management for managing negotiated QoS attributed, paragraphs 0030, 0034) for managing a traffic flow (see resource manager in combination with base station manager (i.e. for IP service) for distributing resources (i.e. controlling or managing) for individual service, paragraph 0039); information receiving means for receiving negotiation information (noted: receiving of charging information, paragraph 0134) from a resource node from (noted: negotiated QoS profiles between the nodes (i.e. SGSG, GGSN nodes), paragraphs 0046, 0049, 0023, noted: agreement between the network elements such as GGSG, SGSG, and the mobile terminal with respect to charging, paragraph 0135), wherein the negotiation information comprises cost (noted: charging information related to multimedia services, paragraphs 0071, ); and selecting means for selecting at least two parameter for a new traffic flow (noted: initiation of multimedia flow by the mobile station, paragraphs 0114, 0116) based on said negotiation information (noted: charging information based on volume of packets sent, quality of service parameters, paragraphs 0116, 0130).

Oyama '545 discloses all the claimed limitations with the exception of claimed features:

**Regarding claim 42**, wherein the negotiation information comprises cost information which is determined at the resource node.

**Regarding claim 43**, wherein the negotiation information comprises cost information which is determined at the resource node.

**Regarding claim 44**, wherein the negotiation information comprises cost information which is determined at the resource node.

However, Anderson '380 from the same field of endeavor discloses the above claimed features:

**Regarding claim 42**, wherein the negotiation information comprises cost information (see, negotiation of resources based on the user connection request, col. 5, line 48 to col. 6, line 32) which is determined at the resource node (see, resource manager 180 determines resource cost or price for each requested connection, col. 6, line 19-58, see, allocation of resources based on the negotiation and resource capabilities, col. 1, line 63 to col. 2, line 5, col. 6, line 41-58).

**Regarding claim 43**, wherein the negotiation information comprises cost information (see, negotiation of resources based on the user connection request, col. 5, line 48 to col. 6, line 32) which is determined at the resource node (see, resource manager 180 determines resource cost or price for each requested connection, col. 6, line 19-58, see, allocation of resources based on the negotiation and resource capabilities, col. 1, line 63 to col. 2, line 5, col. 6, line 41-58).

**Regarding claim 44**, wherein the negotiation information comprises cost information (see, negotiation of resources based on the user connection request, col. 5, line 48 to col. 6, line 32) which is determined at the resource node (see, resource manager 180 determines resource cost or price for each requested connection, col. 6,

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line 19-58, see, allocation of resources based on the negotiation and resource capabilities, col. 1, line 63 to col. 2, line 5, col. 6, line 41-58).

In view of the above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teaching features of Oyama '545 by using teaching features as taught by Anderson '380 in order to provide management of traffic flows based on negotiated resources that is determined at the resource manager where the resources are allocated to each connection request based on the negotiated resource capabilities as suggested in col. 1, line 60-65. Further, one skilled in that art would be motivated to do this in order to generate charging based on the amount of resources (i.e. bandwidth, data rate amount) that is consumed by a respective flow.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Li et al (US 6,728,365 B1) and Tanigawa et al (US 6,483,835 B1).

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDAL ELPENORD whose telephone number is (571)270-3123. The examiner can normally be reached on Monday through Friday 7:30AM to 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Bin Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 2416

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